REMARKS/ARGUMENTS

The Applicants appreciate the Examiner's consideration of the present Application. In the Office action, the drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference element 140 in FIG. 3 and because FIG. 3 includes a reference element 450 not mentioned in the Specification. Additionally, the disclosure was objected to because the claims did not begin with a subject phrase. Further, claims 15 and 16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite due to a lack of antecedent basis.

Further, claims 1-9 and 14-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over McCurley et al. (U.S. Patent Application Publication 2002/0062338), and further in view of Labounty et al. (U.S. Patent Application Publication 2001/0044823). Additionally, claims 10-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over McCurley et al. in view of Labounty et al. and further in view of Official Notice. Also, claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over McCurley et al. in view of Labounty et al. and further in view of Licato et al. (U.S. Patent No. 6,356,780).

In response to the objections to the drawings and Specification and the rejection of claims 15 and 16 under 35 U.S.C. 112, the Applicants have made certain amendments to the Specification and the claims as shown above. In particular, the Applicants have amended paragraph 0025 of the Specification to refer to a reference numeral 450 as the FilterRep class rather than the reference numeral 140, to conform to what is shown in FIG. 3. Further, the Applicants have amended the initial phrase at the beginning of the Claims section to state "What is claimed is:". Additionally, the Applicants have amended each of claims 15 and 16 to depend from claim 14 rather than claim 13. This amendment to the claims was not substantively related to the patentability of the claims, but rather merely corrected a typographical error. In view of these amendments to the Specification and the claims, the Applicants submit that all of the objections to the drawings and Specification and the rejections of the claims under 35 U.S.C. 112 have been overcome.

As for the various rejections of the claims under 35 U.S.C. 103(a), the Applicants provide the following additional Remarks.

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Allowability of Independent Claims 1,14,17 & 20 Over McCurley et al. & Labounty
et al.

Despite the comments in paragraph 10 of the Office action, the comments in paragraph 11 of the Office action indicate that all of the pending independent claims of the present Application (claims 1, 14, 17 and 20) have been rejected as being obvious (or anticipated) strictly in view of McCurley et al. As best as the Applicants can determine, the combination of McCurley et al. and Labounty et al. only has been relied upon in finding claim 3 (which recites applets) to be obvious. Assuming this to be the case, the Applicants respectfully traverse the rejection of the independent claims 1, 14, 17 and 20 as being obvious (or anticipated) in view of McCurley et al., for at least the reasons set forth below. Alternatively, to the extent that Labounty is in fact being relied upon in the obviousness rejection of the independent claims 1, 14, 17 and 20, the Applicants respectfully request that the Examiner provide further indication of which portions of Labounty are of relevance to these claims.

The Applicants respectfully submit that the independent claims 1, 14, 17 and 20 are allowable over McCurley et al. at least for the reason that McCurley et al. fails to disclose or suggest all of the features recited in those claims. More particularly, each of the independent claims 1, 14, 17 and 20 recites an event name service at which at least one of an event source or event listener is capable of registering. In contrast, as best as the Applicants can determine, <u>McCurley et al. entirely fails to disclose any event name service or other application or program at which one or more event sources or event listeners are able to register.</u>

In particular, as best as the Applicants can determine, none of the excerpts of McCurley et al. referred to in paragraph 11 have anything to do with an event name service at which registration can occur. Although it is contended that a service for registering event sources/listeners is shown at paragraph 0058 of McCurley et al. and that registering/deregistering is further shown at paragraph 0060 of the reference, the Applicants respectfully disagree. The "subscription to a data stream", presumably by a Cyberhub 104, as stated in paragraph 0058 is not the same as registering at an event name service, and variation in the exact data being sent between a clinical log and a Cyberhub does not imply or suggest the use of an event name service. Rather, while

paragraphs 0058 and 0060 do indicate that data is being communicated from biomedical devices 114 to the Cyberhub, such data communication appears to be achieved without any registration process. That is, the data communication shown in McCurley et al. between the Cyberhub and other devices simply does not involve, or suggest the use of, an independent registration entity such as an event name service.

While it is unclear to the Applicants whether the disclosure of a "statistical 'filter'" in paragraph 0060 of McCurley et al. is particularly being relied upon as disclosure of an event name service, the Applicants further submit that such a filter does not constitute or suggest an event name service as recited in the Applicants' independent claims 1, 14, 17 and 20. A filter such as that disclosed in McCurley et al. has an entirely different purpose than the Applicants' claimed event name service. Namely, while the event name service has the purpose of recording relationships between event listeners and event sources that desire to be in communication with one another, in the manner of a "phone book", a filter merely has the purpose of filtering out particular content such as particular types of data. Thus, the disclosure of a filter in McCurley et al. does not at all constitute disclosure of or suggest the use of an event name service.

Further, the Applicants disagree that the Cyberhub itself might be considered to constitute an event name service, e.g., between the biomedical devices 114 and the computers 102. While certainly located in between these two types of devices, the Cyberhub as discussed in the excerpts of McCurley et al. referenced in paragraph 11 of the Office action simply does not appear to perform any registration activities in the manner of the Applicants' event name service. That is, the Applicants are unable to find any discussion within McCurley et al. that the Cyberhub establishes and stores correspondences between different ones of the biomedical devices and the computers. Rather, it appears that all data received by the Cyberhub from the various biomedical devices is available and provided to all of the computers, unless certain filters are established. And, as discussed above, the use of filters does not constitute or suggest the use of an event name service. Thus, while the Applicants' independent claims 1, 14, 17 and 20 each recite an "event name service", McCurley et al. simply does not disclose or suggest the use of such a device.

For at least these reasons, therefore, the Applicants respectfully submit that each of independent claims 1, 14, 17 and 20 are allowable under 35 U.S.C. 103(a) over McCurley et al. (as well as over the combination of McCurley et al. and Labounty et al.).

Allowability of Dependent Claims 2-13, 15-16 and 18-19

Insofar as independent claims 1, 14, 17 and 20 are allowable over McCurley et al. (and the combination of McCurley et al. and Labounty et al.) for the reasons set forth above, the Applicants additionally submit that each of dependent claims 2-13, 15-16 and 18-19 depending from the independent claims also are allowable for at least those reasons.

Further, the Applicants submit that several of these dependent claims are allowable for the following additional reasons as well. In providing these comments, the Applicants again note that, from the Office action, it appears that each of claims 2, 4-9, 15-16 and 18-19 were rejected in view of McCurley et al. alone rather than based upon some combination of McCurley et al. with any other reference(s).

Claims 2 and 16

Paragraph 11 of the Office action indicates that claims 2 and 16 are rejected for obviousness in view of McCurley et al. insofar as "[t]he event sources and event listeners were located in a first host and second host (see Fig. 1), where event sources were disclosed as biomedical devices (see paragraph [0048]), and event listeners were disclosed as typical computer terminals (see paragraph [0015]), thus differing in language, architecture, and device." That is, paragraph 11 states that the use of different languages as recited in claims 2 and 16 of the present Application is disclosed or at least suggested by McCurley et al.

The Applicants respectfully disagree with this contention. In particular, the Applicants disagree that it is appropriate to presume from this disclosure in McCurley et al. that different languages are used, and submit that it would be equally reasonable to assume that only one, shared language is utilized. Consequently, the Applicants respectfully request that the Examiner provide further support for the presumption that McCurley et al. shows that multiple languages are utilized and, in the absence of

such further disclosure, submit that claims 2 and 16 are allowable over McCurley et al.

Claims 4 and 19

Claims 4 and 19 each recite the capability or step of deregistering from the event name service. Although the Office action in paragraph 11 states in relation to this feature that deregistering "is implicitly disclosed through the ability to change and customize the type of registration requested (see paragraph [0060])", the Applicants respectfully disagree. As discussed above, a change in data being transmitted does not constitute deregistration from an event name service or involve an event name service in any manner. Further as discussed above, a filter such as that taught in paragraph 0060 of McCurley et al. does not constitute, or perform the same function as, an event name service. Consequently, for at least these additional reasons, the Applicant submit that each of dependent claims 4 and 19 are allowable over McCurley et al.

Claims 9 and 18

Claims 9 and 18 each recite the feature that, if the event source is not yet on line, the event name service acts as a proxy. The Applicants were unable to find any discussion of these claims and this feature in particular in the Office action, and further submit that they have not found any relevant discussion of such feature within McCurley et al. Consequently, in the absence of further comment from the Examiner, the Applicants submit that claims 9 and 18 are allowable.

Therefore, for at least these reasons, the Applicants submit that dependent claims 2-13, 15-16 and 18-19 are allowable.

* * *

Conclusion

Given the Applicants' Remarks and Amendments, the Applicants respectfully request reconsideration and allowance of the present Application.
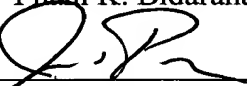
The Applicants wish to invite the Examiner to telephone the Applicants' attorney at the number listed below if discussion with the Applicants' attorney would be of assistance to the Examiner or further the prosecution of the present Application.

No additional fees for filing this paper are believed to be due. However, the Commissioner is hereby authorized to charge an additional fee due or to credit any overpayment to deposit account no. 17-0055.

Respectfully submitted,
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